

**American Arbitration Association****LABOR ARBITRATION RULES**

To institute proceedings, please send three copies of this demand *and the arbitration agreement*, with the filing fee as provided in the rules, to the AAA. Send the original demand to the respondent.

**DEMAND FOR ARBITRATION**DATE: March 25, 2003

To: Name of the Union ☐ Employer ☒ City of Cincinnati, OH  
(of the Party on Whom the Demand Is Made)  
 Address City Hall, 801 Plum Street, Room 15  
 City and State Cincinnati, Ohio ZIP Code 45202  
 Telephone (513 ) 352-3000 Fax 352-5273

Name of Representative Mr. Jude Johnson, H. Resource Analyst  
(if known)

Representative's Address Centennial II, 805 Central Ave. 2nd Floor

Name of Firm (if Applicable) City of Cincinnati, Ohio

City and State Cincinnati, Ohio ZIP Code 45202

Telephone ( 513) \_\_\_\_\_ Fax 352-5273

The named claimant, a party to an arbitration agreement contained in a written contract dated 12-10-00---  
12-21-02 and providing for arbitration under the Labor Arbitration Rules of the American Arbitration Association, hereby demands arbitration thereunder.

THE NAME OF THE GRIEVANT: Fraternal Order of Police on behalf of P.O. Patrick Caton

THE NATURE OF THE DISPUTE: Grievance No. 29-03  
Dismissal from the Cincinnati Police Department

03 MAR 25 AM 6:29

THE CLAIM OR RELIEF SOUGHT (the Amount, if Any): Requesting the Notice of Disciplinary Action alleging Neglect of Duty and Failure of Good Behavior with a penalty of dismissal from the Cincinnati Police Department and any other disciplinary action served upon him be reversed.

HEARING LOCALE REQUESTED: Cincinnati, Ohio 45202  
(City and State)

You are hereby notified that copies of our arbitration agreement and of this demand are being filed with the American Arbitration Association at its Cincinnati, OH office with a request that it commence administration of the arbitration. Under the rules, you may file an answering statement after notice from the administrator.

Signed \_\_\_\_\_ Title President  
(May Be Signed by a Representative)

Name of the Claiming Union or Employer Fraternal Order of Police, Queen City Lodge No. 69

Address (to Be Used in Connection with This Case) 1900 Central Parkway

City and State Cincinnati, Ohio ZIP Code 45214

Telephone ( 513 ) 381-2550 Fax 381-2552

Name of Representative Roger Webster, President

Name of Firm (if Applicable) FOP Lodge No. 69

Representative's Address 1900 Central Parkway

City and State Cincinnati, OH ZIP Code 45214

Telephone ( 513- ) 381-2550 Fax 381-2552



MEDIATION is a nonbinding process. The mediator assists the parties in working out a solution that is acceptable to them. If you wish for the AAA to contact the other parties to ascertain whether they wish to mediate this matter, please check this box (there is no additional administrative fee for this service).

AMERICAN ARBITRATION ASSOCIATION

Notice of Hearing

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November 17, 2003

William Gustavson  
1011 Paradrome Street  
Cincinnati, OH 45202

Julie F. Bissinger  
City of Cincinnati  
801 Plum Street  
Room 214, City Hall  
Cincinnati, OH 45202

Re: 52 390 00250 03  
FOP Lodge No. 69  
vs  
City of Cincinnati

Grievances: Patrick Caton, 29-03, Dismissal from the Cincinnati Police Department

PLEASE TAKE NOTICE that a hearing in the above-entitled arbitration will be held as follows:

Place: Centennial 2 Plaza 513-352-1507  
HR Training Room  
805 Central Ave.  
Suite 200  
Cincinnati, OH 45202

Date: February 24, 2004  
Time: 09:00 AM

Date: February 25, 2004  
Time: 09:00 AM  
Before: Linda D. Klein

NOTE:

Please attend promptly with your witnesses and be prepared to present your proofs.

Tina M. Sprawl  
Case Manager  
513 241 8434  
Sprawlt@adr.org

NOTICE: The arbitrator(s) have arranged their schedule and reserved the above date(s) based on the advice of the parties. Therefore, every effort should be made to appear on the date(s) scheduled. In the event that unforeseen circumstances make it impossible to attend the hearing as scheduled, a party requesting a postponement should obtain the agreement of the other party. If there is no mutual agreement, the arbitrator(s) will make a determination. All requests for postponements must be communicated to the Case Manager not the arbitrator(s). There should be no communication between the parties and the neutral arbitrator(s) other than at oral hearings. In some instances, postponements are subject to cancellation fees by the arbitrator(s). Any party wishing a stenographic record must make arrangements directly with the stenographer and notify the other parties in advance of the hearings.

cc: Linda D. Klein  
Roger A. Webster  
Jude Johnson

**HARDIN, LEFTON, LAZARUS & MARKS, LLC**

ATTORNEYS AND COUNSELORS AT LAW

DONALD E. HARDIN  
DAVID H. LEFTON  
STEPHEN S. LAZARUS\*  
EDWARD G. MARKS  
DAVID E. HARDIN

\*ALSO ADMITTED IN D.C.

CINCINNATI OFFICE:  
915 CINCINNATI CLUB BUILDING  
30 GARFIELD PLACE  
CINCINNATI, OHIO 45202-4322  
TELEPHONE: (513) 721-7300  
FACSIMILE: (513) 721-7008

OF COUNSEL:  
GARY R. LEWIS  
GARY R. LEWIS CO., LPA  
(513) 665-9222

TRICOUNTY OFFICE:  
29 NORTH D STREET  
HAMILTON, OHIO 45013-3128  
(513) 868-8229

November 10, 2003

Ms. Yara Luca  
Senior Case Manager  
American Arbitration Association  
250 East Fifth Street  
Suite 420  
Cincinnati, Ohio 45202-4173

*Auth. dates:  
2-24 & 25-04  
Linda Klein, Auth.*

Re: 52 390 00250 03  
*Patrick Caton; 29-03  
Dismissal from the Cincinnati Police Department*

Dear Yara:

I am in receipt of your correspondence dated November 7, 2003. Please be advised that based on a conflict of interest, I am no longer handling this case. Instead, Officer Caton will be represented by Mr. William Gustavson at 1011 Paradrome Street, Cincinnati, Ohio 45202. Please direct all correspondence to him but continue to carbon copy Mr. Webster. Thank you for your assistance in this matter.

Sincerely yours,

*621-4477  
421-3043 Fax*

HARDIN, LEFTON, LAZARUS & MARKS, LLC

*SL*

Stephen S. Lazarus

SSL:da

cc: Mr. Roger Webster, President ✓  
William Gustavson, Esq.

*ES*

*2003 NOV 11 10:10 AM*  
*2003 NOV 11 10:10 AM*



American Arbitration Association  
Dispute Resolution Services Worldwide

250 East Fifth Street, Suite 420, Cincinnati, OH 45202-4173  
telephone: 513-241-8434 facsimile: 513-241-8437  
internet: <http://www.adr.org/>

November 7, 2003

Stephen S. Lazarus  
Hardin, Lefton, Lazarus & Marks, LLC  
915 Cincinnati Club Building  
30 Garfield Place  
Cincinnati, OH 45202

Julie F. Bissinger  
City of Cincinnati  
801 Plum Street  
Room 214, City Hall  
Cincinnati, OH 45202

Re: 52 390 00250 03  
FOP Lodge No. 69  
vs  
City of Cincinnati

Grievances: Patrick Caton, 29-03, Dismissal from the Cincinnati Police Department

Will the parties please advise the following:

1. Hearing Location:

Place: City will provide location Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
(Please provide directions and/or a map to the location for the Arbitrator)

2. Time: 9:30 a.m.

3. Do you plan to use a court reporter? \_\_\_\_\_ Yes X No

4. Hearing will be held : February 24 & 25, 2004

5. Before: Linda D. Klein

Please return the above information to our office on or before: (January 23, 2003)

Completed by Roger Webster

Party Fraternal Order of Police Lodge No. 69

cc: Linda D. Klein  
Roger A. Webster  
Jude Johnson  
William Gustavson--Fax# 421-3043

via fax and US Mail

**American Arbitration Association****LABOR ARBITRATION RULES**

To institute proceedings, please send three copies of this demand *and the arbitration agreement*, with the filing fee as provided in the rules, to the AAA. Send the original demand to the respondent.

**DEMAND FOR ARBITRATION**DATE: March 25, 2003

TO: Name of the Union ☐ Employer ☒ City of Cincinnati, OH  
(of the Party on Whom the Demand Is Made)  
 Address City Hall, 801 Plum Street, Room 15  
 City and State Cincinnati, Ohio ZIP Code 45202  
 Telephone ( 513 ) 352-3000 Fax 352-5273

Name of Representative Mr. Jude Johnson, Human Resource Analyst  
(if known)  
 Representative's Address Centennial II, 805 Central Ave. 2nd Floor  
 Name of Firm (if Applicable) City of Cincinnati, Ohio  
 City and State Cincinnati, Ohio ZIP Code 45202  
 Telephone ( 513 ) 352-1705 Fax 352-5273

The named claimant, a party to an arbitration agreement contained in a written contract dated 12-10-00---  
12-21-02 and providing for arbitration under the Labor Arbitration Rules of the American Arbitration Association, hereby demands arbitration thereunder.

THE NAME OF THE GRIEVANT: Fraternal Order of Police on behalf of P.O. Victor Spellman

THE NATURE OF THE DISPUTE: Grievance No. 30-03  
Dismissal from the Cincinnati Police Department

THE CLAIM OR RELIEF SOUGHT (the Amount, if Any): Requesting the Notice of Disciplinary Action alleging Dishonesty and Failure of Good Behavior with a penalty of dismissal from the Cincinnati Police Department and any other disciplinary action placed upon him be reversed.

HEARING LOCALE REQUESTED: Cincinnati, Ohio 45202  
(City and State)

You are hereby notified that copies of our arbitration agreement and of this demand are being filed with the American Arbitration Association at its Cincinnati, OH office with a request that it commence administration of the arbitration. Under the rules, you may file an answering statement after notice from the administrator.

Signed [Signature] Title President  
(May Be Signed by a Representative)

Name of the Claiming Union or Employer Fraternal Order of Police, Queen City Lodge No. 69  
 Address (to Be Used in Connection with This Case) 1900 Central Parkway  
 City and State Cincinnati, Ohio ZIP Code 45214  
 Telephone ( 513 ) 381-2550 Fax 381-2552  
 Name of Representative Roger Webster, President  
 Name of Firm (if Applicable) FOP Lodge No. 69  
 Representative's Address 1900 Central Parkway  
 City and State Cincinnati, OH ZIP Code 45214  
 Telephone ( 513- ) 381-2550 Fax 381-2552

☐ **MEDIATION** is a nonbinding process. The mediator assists the parties in working out a solution that is acceptable to them. If you wish for the AAA to contact the other parties to ascertain whether they wish to mediate this matter, please check this box (there is no additional administrative fee for this service).

**AMERICAN ARBITRATION ASSOCIATION**  
**Notice of Hearing**

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June 16, 2003

Stephen S. Lazarus  
Hardin, Lefton, Lazarus & Marks, LLC  
915 Cincinnati Club Building  
30 Garfield Place  
Cincinnati, OH 45202

Julie F. Bissinger  
City of Cincinnati  
801 Plum Street  
Room 214, City Hall  
Cincinnati, OH 45202

Re: 52 390 00251 03  
FOP Lodge No. 69  
vs  
City of Cincinnati

Grievances: Victor Spellens, 30-03, Dismissal from the Cincinnati Police Department

PLEASE TAKE NOTICE that a hearing in the above-entitled arbitration will be held as follows:

Place: City Hall  
801 Plum Street, Room 115  
Cincinnati, OH 45202

Date: September 18, 2003  
Time: 09:00 AM

Date: September 19, 2003  
Time: 09:00 AM  
Before: Elliot Newman

**NOTE:**

Please attend promptly with your witnesses and be prepared to present your proofs.

Yara Luca  
Senior Case Manager  
513 241 8434  
Lucay@adr.org

NOTICE: The arbitrator(s) have arranged their schedule and reserved the above date(s) based on the advice of the parties. Therefore, every effort should be made to appear on the date(s) scheduled. In the event that unforeseen circumstances make it impossible to attend the hearing as scheduled, a party requesting a postponement should obtain the agreement of the other party. If there is no mutual agreement, the arbitrator(s) will make a determination. All requests for postponements must be communicated to the Case Manager not the arbitrator(s). There should be no communication between the parties and the neutral arbitrator(s) other than at oral hearings. In some instances, postponements are subject to cancellation fees by the arbitrator(s). Any party wishing a stenographic record must make arrangements directly with the stenographer and notify the other parties in advance of the hearings.

cc: Elliot Newman, Esq.  
Roger A. Webster  
Jude Johnson

THE MATTER OF ARBITRATION BETWEEN :

DECISION IN GRIEVANCE

CITY OF CINCINNATI, OHIO :

GRIEVANCE OF VICTOR  
SPELLEN

AND :

AAA NO. 52-390-0251-03

QUEEN CITY LODGE NO. 69, FRATERNAL  
ORDER OF POLICE :

HEARINGS:

September 18 and 19, 2003

GRIEVANCE:

The grievance alleges that the  
Employer did not have just cause  
when it terminated Police Officer  
Spellen.

AWARD:

The grievance is sustained as is  
set forth herein.

ARBITRATOR:

Elliot Newman

#### APPEARANCES

FOR THE UNION

FOR THE EMPLOYER

Stephen S. Lazarus, Esquire

Jonathan J. Downes, Esquire  
Benjamin S. Albrecht, Esquire

IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

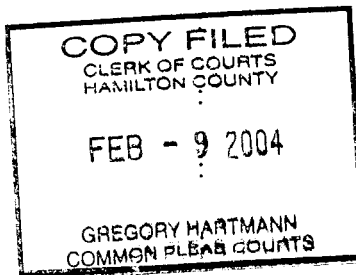
CITY OF CINCINNATI, OHIO  
801 Plum Street  
Cincinnati, Ohio 45202

Plaintiff,

vs.

QUEEN CITY LODGE NO. 69, FRATERNAL :  
ORDER OF POLICE :  
1900 Central Parkway :  
Cincinnati, Ohio 45202 :

Defendant.



CASE NO. A0401110

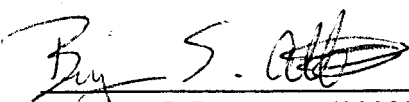
JUDGE

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**PLAINTIFF'S MOTION AND APPLICATION TO VACATE ARBITRATION  
AWARD WITH MEMORANDUM IN SUPPORT**

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Now comes the City of Cincinnati, Ohio and respectfully moves this Court for an order vacating the arbitration award attached hereto pursuant to Ohio Revised Code Chapter 2711, as well as, all other appropriate statutory provisions. Plaintiff makes this request for the reasons that the Arbitrator exceeded his powers in violation of Ohio Revised Code Section 2711.10, and deviated from the essence of the collective bargaining agreement between the parties. The arbitration decision was issued by Arbitrator Elliot Newman on November 12, 2003. Support for this Motion is set forth in the Memorandum attached hereto and incorporated herein.

  
Jonathan J. Downes (0009905)  
Benjamin S. Albrecht (0072873)  
Downes, Hurst & Fishel  
400 South Fifth St., Suite 200  
Columbus, OH 43215  
(614) 221-1216 - phone  
(614) 221-8769 - facsimile  
*Counsel for Plaintiff*



Grievance Number 07-2004

3/11/04  
FVA: Personal  
[Signature]

**Fraternal Order of Police**  
**Queen City Lodge 69**  
Grievance Form

**PEER REVIEW**

Date of Filing

Time of Filing

Grievance Received by:

3/11/04

12:39 PM

[Signature]

Grievant: Fraternal Order of Police on behalf of Police Officer Jason Hodge

2. **Contract Provision Allegedly Violated:** Article III, Peer Review
3. **Time, Date, Place of Occurrence:** FOP Notified 03/10/04
4. **Statement of Grievance** (include events and conditions of the grievance and persons responsible.):

The above-captioned grievant is dissatisfied with his Notice of Disciplinary Action alleging Neglect of Duty and Failure of Good Behavior with a penalty of 24 working hours suspension. This officer wishes to take the matter to the Peer Review Panel.

Attachment: 2 Pages.

[Signature]  
Signature of Grievant

I AM REQUESTING  
PEER REVIEW IN THIS  
MATTER.

Home #  
367-2152

Thank-you.  
S. HODGE  
DST 1

RECEIVED  
FBI  
APR 1 2004

RECEIVED  
FBI  
APR 1 2004

Form 32  
Page 2

Form 32 Attachment  
Pre-Disciplinary Hearing  
November 18, 2002  
Police Officer Jason L. Hodge

Charges: Failure of Good Behavior and Neglect of Duty

**SPECIFICATION I:**

On November 7, 2000, Officer Hodge was aware Mr. Owensby was injured. Officer Hodge failed to tend to or seek medical aid for Mr. Owensby's injuries.

Officer Hodge's actions are in violation of Rule 1.01 (C) of the Manual of Rules and Regulations for the Cincinnati Police Division, which states:

Rule 1.01 Members shall not commit any acts or omit any act, which constitute of any of the rules, regulations, procedures, directives, or orders of the Division.

C. Members shall not negligently fail to carry out any rule, regulation, procedure, directive, or order of the Division, which leads to physical injury to another or financial loss to the Division. To wit:

Procedure 12.545 Use of Force

Policy (in part);

Following any use of force resulting in the citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

**Specification II**

The allegation that on November 7, 2000, Officer Hodge observed a medical injury to Mr. Owensby and rendered no appropriate first aid immediately once the incident scene is stabilized is sustained. Officer Hodge's action violated CPD Procedure Manual Section 12.545, Use of Force, and the Manual of Rules and Regulations and Disciplinary Process, Section Two, 2.12.

Rule 2.12 Members are responsible for insuring the safety and welfare of persons and their personal property when transporting or having custody of persons who are sick, injured, arrested, or incapacitated in any way.

Procedure 12.545

Form 32